IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 59439-M of 2006

DATE OF DECISION : 05.03.2007

Ram Lubhaya and others

.... PETITIONERS

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Rajeshwar Singh, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. Sunil Agnihotri, Advocate,
for respondents No.2 and 3.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 272 dated 1.12.2002 under Section 498-A read with Section 406 IPC, registered at Police Station Tanda, District Hoshiarpur, and subsequent proceedings arising therefrom.

In pursuance of the notice issued by this Court, respondents No.2 and 3 have filed reply along with their separate affidavits stating that the matter has been compromised and during the pendency of the case, the husband of respondent No.3 has died and after his death, respondent No.3 has performed marriage and they have no objection if the aforesaid FIR and the subsequent proceedings are quashed. Today, respondents No.2 and 3 are present in court. They have made the separate statements, which has been counter-signed by her counsel. Respondent No.2, on whose statement, the aforesaid FIR was registered, has made the following statement :-

> "The marriage of my daughter Poonam Sharma was solemnized with Parmod Kumar, now deceased, on 13.12.1998. After the marriage, due to the harassment caused to my daughter by her husband and other family members, I was compelled to lodge FIR No. 272 dated 1.12.2002 under Section 498-A read with Section 406 IPC, Police Station Tanda, District Hoshiarpur, against my son-in-law and his family members. Subsequently, my son-in-law Parmod Kumar died. After that, during the pendency of the aforesaid case, with the intervention of family members and respectable persons, the matter has been compromised and according to the compromise, the accused side has to pay an amount of Rs. 1.10 lacs to my daughter, who has performed the marriage after the death of Parmod Kumar. On receipt of the said amount by my daughter, I have no objection if the aforesaid FIR and the subsequent proceedings are quashed."

After receiving the amount of Rs. 1.10 lacs in cash, respondent No.3 has made the following statement :-

> "My marriage was solemnized with Parmod Kumar, now deceased, on 13.12.1998. After the marriage, due to the harassment caused to me by my husband and other family members, FIR No. 272 dated 1.12.2002 under Section 498-A read with Section 406 IPC, Police Station Tanda, District Hoshiarpur, was registered on the complaint made by my mother. Thereafter, my husband Parmod Kumar died and after his death, I have performed marriage and matter has also been compromised. According to the compromise, I have received Rs. 1.10 lacs in cash today in the court. Now, I have no objection if the aforesaid FIR and the subsequent proceedings against the family members of my husband Parmod Kumar are quashed."

I have heard the arguments of learned counsel for the parties.

Keeping in view the affidavits of respondents No.2 and 3 and the aforesaid statements made by them as well as the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter; the husband of petitioner No.3 has already died and after his death, petitioner No.3 has performed marriage, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statements of respondents No.2 and 3, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 272 dated 1.12.2002 under Section 498-A read with Section 406 IPC, registered at Police Station Tanda, District Hoshiarpur and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

March 05, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**